

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SARA ELAINE BROWALSKI,

Plaintiff,

v.

JEREMY MICHAEL SULLIVAN,

Defendant.

Case No. [14-cv-03181-JD](#)

ORDER RE MOTION TO DISMISS

Re: Dkt. No. 19

Plaintiff Sara Elaine Browalski, who performs under the stage name “Maitresse Madeline,” is an adult movie actress who worked with defendant Jeremy Michael Sullivan in the adult entertainment industry. Dkt. No. 1 ¶ 1. During their business relationship, Browalski and Sullivan were married and “produced, performed in and co-authored” various adult film clips together. *Id.* The marriage ended in 2009, and the parties dispute the authorship of the clips. *Id.* ¶¶ 2, 4. Browalski alleges that Sullivan has been selling the clips online without sharing the profits with her. *Id.* ¶¶ 4-5. Among other claims, she seeks declaratory judgment of joint authorship in the clips under the Copyright Act. *Id.* ¶ 31.

Sullivan, who is appearing pro se, has objected to personal jurisdiction in this Court and filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(2). Dkt. No. 19. Plaintiff agrees that general jurisdiction is not proper, but asserts that the Court has specific personal jurisdiction over the defendant. Dkt. No. 21 at 1.

The Court has spent considerable time considering the jurisdiction issue and finds that some specific discovery is likely to help answer the question. *See Boschetto v. Hansing*, 539 F.3d 1011, 1020 (9th Cir. 2008) (jurisdictional discovery appropriate “where a more satisfactory

showing of the facts is necessary”). In light of defendant’s pro se status, and to keep costs down generally for the parties, the Court orders this specific discovery:

(1) Sullivan is ordered to produce to plaintiff by July 15, 2015, business records showing any sales, distribution and/or marketing of the clips to users within this judicial district,¹ and within California statewide, from July 14, 2010 through July 14, 2014. User names and credit card numbers may be redacted but the records need to show the user’s address and the name of the clip purchased. Sullivan is directed to obtain this information from Clips4Sale.com or any other third-party vendor to whom he provided the clips if he does not have full and complete records in his possession.

Sullivan is also directed to file with the Court by July 15, 2015, a supplemental declaration under penalty of perjury attaching the business records. If Sullivan determines that no responsive records exist, he is directed to specifically state that determination in a declaration under penalty of perjury.

(2) Plaintiff is ordered to produce to defendant by July 15, 2015, any contracts, divorce agreements, decrees or orders, releases or other documents that discuss the ownership or authorship of the clips at issue in the complaint. Plaintiff is also directed to file with the Court by July 15, 2015 a supplemental declaration under penalty of perjury attaching the documents. If Plaintiff determines that no responsive documents exist, she is directed to specifically state that determination in a declaration under penalty of perjury.

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¹ The Northern District of California encompasses the following fifteen counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz and Sonoma.

The Court will likely be able to decide the motion after receiving the parties' declarations.
The parties are ordered not to file any new arguments unless the Court requests them.

IT IS SO ORDERED.

Dated: June 15, 2015



JAMES DONATO
United States District Judge

United States District Court
Northern District of California